

TABLE 4  
ENFORCEMENT RESPONSE GUIDE  
Stormwater Requirements

VIOLATION	CIRCUMSTANCES	RESPONSES	RESPONSIBLE PERSON	TIME CONTROL GOAL *
Conducting Covered Activity without a Stormwater Permit	Conducting a <b>Phase I</b> covered activity.	Issue NOV, NOV/CDO and/or CUO or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days
	Conducting a <b>Phase II</b> covered activity that meets <u>all</u> of the following:  Short term, single location, no documented significant environmental impacts, and location has low/moderate potential for environmental impacts.	Send certified Compliance Advisory specifying time frame to submit complete permit application.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Conducting a <b>Phase II</b> covered activity that meets <u>any</u> of the following:  Long term, multiple locations, documented significant environmental impacts, or location has high potential for environmental impacts.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days
Failure to Prepare a Stormwater Management Plan (SWMP)	Stormwater Management System implemented in field (BMPs installed, inspections conducted, etc.), <u>and</u> no documented significant environmental impacts, <u>and</u> location has low/moderate potential for significant environmental impacts.	Send certified Compliance Advisory specifying time frame to develop and submit complete SWMP.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Stormwater Management System not implemented in field (BMPs not installed, inspections not conducted, etc.), <u>and/or</u> documented significant environmental impacts, <u>and/or</u> location has high potential for environmental impacts.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days

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Deficient Stormwater Management Plan (SWMP)	Minor/Moderate Deficiencies in SWMP but a Stormwater Management System is implemented in field (BMPs installed, inspections conducted, etc.), <u>and</u> no documented significant environmental impacts, <u>and</u> location has low/moderate potential for significant environmental impacts.	Send Compliance Advisory specifying time frame to develop and submit complete SWMP.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Major Deficiencies in SWMP but no documented significant environmental impacts <u>and</u> location has low/moderate potential for significant environmental impacts.	Send certified Compliance Advisory specifying time frame to develop and submit complete SWMP.	TSU Inspector, SWP Inspector, EO or AR	30 Days
	Major Deficiencies in SWMP including a documented failure to implement a Stormwater Management System in field (No or few BMPs installed, inspections not conducted, etc), <u>and/or</u> documented significant environmental impacts from site.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days
Failure to Install, Maintain or Properly Select Best Management Practices (BMPs)	Most or some BMPs at site implemented, maintained, properly selected, <u>and</u> no documented significant environmental impacts, <u>and</u> location has low/moderate potential for environmental impacts.	Send Compliance Advisory specifying time frame to implement, maintain or properly select BMPs	TSU Inspector, SWP Inspector, EO or AR	30 days
	Systematic failure to implement, maintain or properly select BMPs, <u>and/or</u> documented significant environmental impacts from site, <u>and/or</u> location has high potential for environmental impacts.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days

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Failure to Perform Inspections of Stormwater Management System	Periodic failure to perform inspections, <u>and</u> no documented significant environmental impacts from site, <u>and</u> location has low/moderate potential for environmental impacts.	Send Compliance Advisory specifying requirement to perform inspections and provide written certification that inspection are being performed.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Systematic failure to perform inspections, <u>and/or</u> documented significant environmental impacts from site, <u>and/or</u> location has high potential for environmental impacts.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days
Failure to Submit Required/Requested Reports and/or Documents  (Annual Reports, documents requested during inspections, compliance schedule items, etc.)	Initial failure to submit required/requested reports.	Send Compliance Advisory identifying non-compliance/non-response and specifying time frame to address non-compliance issue.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Failure to respond to first notice.	Send additional <u>certified</u> Compliance Advisory identifying non-response and specifying time frame to address non-compliance issue.	TSU Inspector, SWP Inspector, EO or AR	10 days
	Failure to respond to second notice.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	140 Days

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Failure to adequately respond to Division Compliance Advisory	Inadequate response to initial Compliance Advisory or first notice of inadequate response.	Send <u>certified</u> Compliance Advisory identifying inadequate or non-response and specifying time frame to address non-compliance issue.	TSU Inspector, SWP Inspector, EO or AR	10 days
	Failure to respond to second notice of inadequate response.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	170 Days
Failure to Maintain Required Records <i>(Annual Reports, inspection reports, etc.)</i>	Periodic failure to maintain records.	Send Compliance Advisory specifying requirement to maintain records.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Systematic failure to maintain required records.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days
Pollution, Contamination or Degradation of State Waters	No evidence of significant environmental impacts to receiving water.	Send Compliance Advisory specifying action to abate and/or prevent future events.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Evidence of significant environmental impacts to receiving water.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral</u> : TSU Inspector, SWP Inspector, EO or AR  <u>Action Development</u> : EO, AGO or AR	180 Days

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Other Administrative Violations	Miscellaneous other violations, <u>and</u> no documented significant environmental impacts from site, <u>and</u> violations pose a low potential for threatening environmental health.	Compliance Advisory specifying time frame to address non-compliance issue.	TSU Inspector, SWP Inspector, EO or AR	30 days
	Miscellaneous other violations, <u>and/or</u> documented significant environmental impacts from site, <u>or</u> the violations pose a high potential for threatening environmental health.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral:</u> TSU Inspector, SWP Inspector, EO or AR  <u>Action Development:</u> EO, AGO or AR	180 Days
Documented pattern of systematic violations of Stormwater regulations and/or permit requirements	Poor compliance history for Colorado operations.	Issue NOV, NOV/CDO and/or CUO, or initiate process for judicial enforcement action.	<u>Enforcement Referral:</u> TSU Inspector, SWP Inspector, EO or AR  <u>Action Development:</u> EO, AGO or AR	180 Days
<b><i>Note: In the case of the identification of multiple violations in which one or more warrants a formal enforcement response, generally all identified violations, regardless of significance, should be included in the developed enforcement action.</i></b>				

\* Number of calendar days from: the date of the inspection; the date of receipt of supporting information (sample results, etc.); or from the response date identified in the Compliance Advisory, as appropriate.